

EXHIBIT “B”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

WILMAN DIAZ SALOMON,
Plaintiff,

-against-

NESTLE WATERS NORTH AMERICA INC. and NESTLE
WATERS CO. and GEORGE BRIGHT,
Defendants.

Filed:

INDEX NO.
Plaintiff(s) designate:
Bronx County as the
place of trial.

S U M M O N S

The basis of venue is
the County in which the
cause of action arose.


Location of cause of
action: Westchester
Avenue intersecting
Sheridan Expressway,
Bronx, New York.

To the above named Defendant(s):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve
a copy of your answer on the plaintiff's attorneys within 20 days after the service of this
summons, exclusive of the day of service of this summons, or within 30 days after service of this
summons is complete if this summons is not personally delivered to you within the State of New
York.

In case of your failure to answer this summons, a judgment by default will be taken
against you for the relief demanded in the complaint, together with the costs of this action.

Dated: Astoria, New York
May 19, 2021



LAW OFFICES OF MITCHELL KLAFTER, P.C.
By: **Samara Klafter, Esq.**
Attorneys for Plaintiff
23-25 31st Street, Suite 410

Astoria, New York 11105
(718) 465-1160

To: George Bright
8 Mack Street
Norwalk , Connecticut 06854

Nestle Waters North America Inc.
C T Corporation System
28 Liberty St.
New York, New York, 10005

Nestle Waters Co.
11800 Exit 5 Parkway 120
Fishers , Indiana 46037

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

WILMAN DIAZ SALOMON,
Plaintiff,

INDEX NO.

-against-

VERIFIED COMPLAINT

NESTLE WATERS NORTH AMERICA INC. and NESTLE
WATERS CO. and GEORGE BRIGHT,
Defendant.

Plaintiff, by his attorneys, LAW OFFICES OF MITCHELL KLAFTER, P.C., as and for his
Verified Complaint, respectfully allege, upon information and belief:

1. The plaintiff, WILMAN DIAZ SALOMON, at all times herein mentioned was
and still is a resident of the County of Montgomery, State of Maryland.
2. The defendant, GEORGE BRIGHT, at all times herein mentioned was and
still is a resident of the County of Fairfield, State of Connecticut.
3. That at all times herein mentioned defendant, NESTLE WATERS NORTH
AMERICA INC., was a Delaware Foreign Business Corporation registered,
allowed and doing business in the City and State of New York.
4. That at all times herein mentioned defendant, NESTLE WATERS CO., was a
Delaware Foreign Business Corporation registered, allowed and doing business in
the City and State of New York.
5. That at all times herein mentioned, upon information and belief, the
defendant NESTLE WATERS NORTH AMERICA INC. was the registered
owner of a 2017 Ford motor vehicle bearing New York State license plate number
41417.


6. That at all times herein mentioned, upon information and belief, the defendant NESTLE WATERS CO. was the registered owner of a 2017 Ford motor vehicle bearing New York State license plate number 41417.
7. That at all times herein mentioned, upon information and belief, the defendant, NESTLE WATERS NORTH AMERICA INC. was the title holder of the aforementioned 2017 Ford motor vehicle bearing New York State license plate number 41417.
8. That at all times herein mentioned, upon information and belief, the defendant, NESTLE WATERS CO. was the title holder of the aforementioned 2017 Ford motor vehicle bearing New York State license plate number 41417.
9. That at all times herein mentioned, upon information and belief, the defendant NESTLE WATERS NORTH AMERICA INC. managed and maintained the aforementioned 2017 Ford motor vehicle bearing New York State license plate number 41417.
10. That at all times herein mentioned, upon information and belief, the defendant NESTLE WATERS CO. managed and maintained the aforementioned 2017 Ford motor vehicle bearing New York State license plate number 41417.
11. That at all times herein mentioned, upon information and belief, on June 9, 2020, the defendant GEORGE BRIGHT was operating and controlling the aforementioned 2017 Ford motor vehicle bearing New York State license plate number 41417.

12. Upon information and belief, that at all times herein mentioned defendant GEORGE BRIGHT, in his capacity as an employee, agent, or servant of NESTLE WATERS NORTH AMERICA INC., was in physical charge, operation, management and control of the aforesaid vehicle owned by the defendant NESTLE WATERS NORTH AMERICA INC., with the knowledge, consent, and permission, either express or implied, of the defendant owner thereof.
13. Upon information and belief, that at all times herein mentioned defendant GEORGE BRIGHT, in his capacity as an employee, agent, or servant of NESTLE WATERS CO., was in physical charge, operation, management and control of the aforesaid vehicle owned by the defendant NESTLE WATERS CO., with the knowledge, consent, and permission, either express or implied, of the defendant owner thereof.
14. That at all times herein mentioned, upon information and belief, on June 9, 2020, the intersection/roadway, Westchester Avenue and Sheridan Expressway was a lawful roadway in the Bronx County, City and State of New York.
15. That at all times herein mentioned, plaintiff WILMAN DIAZ SALOMON was the owner and operator of an automobile bearing registration number 7EC2086, State of Maryland.
16. On or about June 9, 2020, at approximately 1:00 PM, the vehicle operated by defendant GEORGE BRIGHT, and owned by defendant NESTLE WATERS NORTH AMERICA INC. came into contact with plaintiff's vehicle at Westchester Avenue intersecting Sheridan Expressway, Bronx, New York.

17. On or about June 9, 2020, at approximately 1:00 PM, the vehicle operated by defendant GEORGE BRIGHT, and owned by defendant NESTLE WATERS CO. came into contact with plaintiff's vehicle at Westchester Avenue intersecting Sheridan Expressway, Bronx, New York.
18. The defendants so carelessly and negligently operated their aforesaid vehicle so as to cause the contact.
19. That as a result of the foregoing, this plaintiff was caused to and did sustain severe and serious injuries and was required to seek and obtain medical care and attention in an effort to cure and alleviate same and, upon information and belief, will be compelled to do so in the future.
20. That the aforesaid occurrence and the injuries sustained by this plaintiff were caused by the negligence of the defendants.
21. As a result of the foregoing, the plaintiff sustained serious personal injuries as defined in Section 5102(d) of the Insurance Law of the State of New York, and/or economic loss greater than basic economic loss as defined in Section 5102(a) of the Insurance Law of the State of New York.
22. This action falls within one or more of the exceptions set forth in CPLR section 1602.
23. That by reason of the foregoing, plaintiff, WILMAN DIAZ SALOMON, has been damaged in an amount which exceeds the jurisdiction limits of all lower courts that would otherwise have jurisdiction.

WHEREFORE, plaintiff demands judgment awarding damages, in an amount exceeding the monetary jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest and the costs and disbursements of this action, and such other and further relief as to this Court seems just and proper.

Dated: Astoria, New York
May 19, 2021


LAW OFFICES OF MITCHELL KLAFTER, P.C.
By: Samara Klafter, Esq.
Attorneys for Plaintiff
23-25 31st Street, Suite 410
Astoria, New York 11105
(718) 465-1160

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

WILMAN DIAZ SALOMON,
Plaintiff,

-against-

NESTLE WATERS NORTH AMERICA INC. and NESTLE
WATERS CO. and GEORGE BRIGHT,
Defendants.

INDEX NO.

**ATTORNEY'S
VERIFICATION**

Samara Klafter, an attorney duly admitted to practice law in the State of New York,
makes the following affirmation under the penalty of perjury:

I am of the firm of LAW OFFICES OF MITCHELL KLAFTER, P.C., the attorneys of
record for the plaintiff.

I have read the foregoing Complaint and know the contents thereof; the same is true to
my own knowledge except as to the matters therein stated to be alleged on information and belief
and that as to those matters, I believe them to be true.

This verification is made by affirmant and not by plaintiff because he is not in the County
of Queens, which is the County where your affirmant maintains offices.

The grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge
are correspondence had with the said plaintiff, information contained in the said plaintiff's file,
which is in affirmant's possession, and other pertinent data relating thereto.

Dated: Astoria, New York
May 19, 2021



SAMARA KLAFTER ESQ.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.

WILMAN DIAZ SALOMON,

Plaintiff,

-against-

NESTLE WATERS NORTH AMERICA INC. and NESTLE WATERS CO.
and GEORGE BRIGHT,

Defendants.

SUMMONS and VERIFIED COMPLAINT

LAW OFFICES OF MITCHELL KLAFTER, P.C.

Attorneys for Plaintiff

Office and Post Office Address and Telephone

23 25- 31st Street, Suite 410

Astoria, New York 11105

(718) 465-1160

Service of a copy of the within SUMMONS and VERIFIED COMPLAINT is hereby admitted.

Dated, _____

.....

Attorney(s) for

Please take notice

☐ **NOTICE OF ENTRY**

that the within is a (certified) true copy of _____

duly entered in the office of the clerk of the within named court on

☐ **NOTICE OF SETTLEMENT**

that _____, of which the within is a true copy will be presented for
settlement to the HON. _____, one of the judges of the

within named court, at 851 Grand Concourse, Bronx, New York on _____

Dated: Astoria, New York

May 19, 2021

Yours, etc.,



LAW OFFICES OF MITCHELL KLAFTER, P.C.
Attorneys for Plaintiff



**Service of Process
Transmittal**

06/03/2021

CT Log Number 539663244

TO: Jaclyn Leung
Nestle Waters North America Holdings Inc
900 Long Ridge Road, Building 2
Stamford, CT 06902

RE: Process Served in New York

FOR: Nestle Waters North America Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Wilman Diaz Salomon, Pltf. vs. Nestle Waters North America Inc., et al., Dfts.
DOCUMENT(S) SERVED: -
COURT/AGENCY: None Specified
Case # 8068932021E
NATURE OF ACTION: Personal Injury - Vehicle Collision
ON WHOM PROCESS WAS SERVED: C T Corporation System, New York, NY
DATE AND HOUR OF SERVICE: By Process Server on 06/03/2021 at 10:22
JURISDICTION SERVED : New York
APPEARANCE OR ANSWER DUE: None Specified
ATTORNEY(S) / SENDER(S): None Specified
ACTION ITEMS: CT has retained the current log, Retain Date: 06/03/2021, Expected Purge Date: 06/08/2021
Image SOP
Email Notification, Jaclyn Leung jaclyn.leung@waters.nestle.com
Email Notification, David Herman david.herman@us.nestle.com
Email Notification, Alda Braccia Alda.Braccia@waters.nestle.com
Email Notification, Giancarlo Cullaro Giancarlo.cullaro@waters.nestle.com
Email Notification, Simona Hanna simona.hanna@waters.nestle.com
REGISTERED AGENT ADDRESS: C T Corporation System
28 Liberty Street
New York, NY 10005
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other



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advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Thu, Jun 3, 2021.

Server Name: NY-NYC DROPOFFPROCESSSERVER

Entity Served	NESTLE WATERS NORTH AMERICA INC.
Case Number	806893/2021E
Jurisdiction	NY

